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Atty Dkt No. GP-303008 (GM-0401PUS)

Remarks

Claims 1-12 and 20 are pending in this application. Claims 13-19 are withdrawn from consideration. Claims 1, 10 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,537,641 (Kroll). Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kroll in view of United States Patent Application No. 2002/0027368 (Volz et al.). Claim 12 is rejected under Section 103(a) as being unpatentable over Kroll in view of United States Patent No. 6,845,839 (Chernoff et al.). Claim 20 is allowed. Claims 2-7 are objected to as being dependent upon a rejected base claim. Claim 11 is objected to due to informalities.

Objections to the Claims

Per the Examiner's request, Applicants have amended claim 11 to correctly reference the "vehicle floor" of claim 1 rather than the "vehicle door". Accordingly, the objection is believed to be overcome.

The Examiner indicated that claims 2-7 would be allowable if rewritten in independent form to include all of the limitations of rejected base claim 1. Applicants have amended claim 1 to include all of the limitations of claim 2. Claim 2 is cancelled. Claims 3-7 have been amended to depend from claim 1 instead of claim 2. Thus, with the incorporation of the limitations of claim 2 into claim 1, the Section 102(b) rejection of claim 1 and the objections to claims 3-7 are believed to be overcome.

Rejections under Section 102(b): Anticipation of Claims 1, 10 and 11 by Kroll

Claim 1 has been amended to incorporate the limitations of claim 2. With this amendment, the rejection under Section 102(b) of claim 1 and of claims 10 and 11 which depend therefrom is believed to be overcome.

With respect to claim 10, the Examiner states that Kroll "discloses a vehicle floor (468), wherein the panel is formed to at least partially define a front floor pan portion, a rear floor pan portion and a trunk portion." Applicants respectfully disagree. With respect to the floor 468, Kroll states only that:

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[A] star-cut hole 464 is designed to locate and resiliently retain the conduit 430 to a fastener 466 fixedly attached to an interior surface of a vehicle such as a floor pan 468, as shown in Figure 6.

(Column 5, lines 44-48)

This statement does not teach the expanse of the floor pan 468 and Figure 6 is cross-sectional so cannot show the longitudinal expanse of the floor pan 468. For a claim to be properly rejected as anticipated under 35 U.S.C. § 102, every element and limitation found in the rejected claim must be found in the Section 102 reference cited by the Examiner. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP §2131. Accordingly, because Kroll does not teach "[a] panel ... formed to at least partially define a front floor pan portion, a rear floor pan portion and a trunk portion", as required by claim 10, Applicants submit that the rejection of claim 10 is improper.

Rejections under Section 103(a): Claims 8 and 9 over Kroll in view of Volz et al.

The Examiner admits that Kroll's floor 468 does not show that "the panel is formed to at least partially define integral opposing rocker panel portions." The Examiner finds that Volz et al. "teaches a floor panel formed to at least partially define integral, *opposing* rocker panel portions in Figure 2." The Examiner states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vehicle floor of Kroll with a panel formed to at least partially define integral opposing rocker panel portions, as taught by Volz et al. ..."

Volz et al. teach a vehicle floor 4 and a side member or cross member 3, as shown in Figures 1 and 2. Applicants assume that the Examiner is referring to the side member 3 as satisfying the requirement of one of the rocker panel portions recited in claim 8. Volz et al.'s side member 3 is a separate component from the floor 4, as is apparent from Figure 2. The floor 4 does not form any portion of the cross member 3. Additionally, because the floor 4 terminates at the longitudinal member 2, it cannot form an opposing side member (i.e., a rocker panel portion) as required by claim 8. The floor part 8 of Volz et al.'s seat module 7 also fails to fulfill

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the requirements of claim 8. Although it is supported at the adhesive channel 5 of the longitudinal member 3 Figure 2, it does not form part of the longitudinal member 5. Also, the floor part 8 terminates at the adhesive channel 5 of the longitudinal member 2 and cannot form an opposing rocker panel portion. A *prima facie* case of obviousness requires that the prior art references teach or suggest all claim limitations of the examined claim. (MPEP 2143.03) Accordingly, because Volz et al. do not disclose a "panel . . . formed to at least partially define integral, opposing rocker panel portions", the rejection of claim 8 under Section 103(a) is believed to be improper.

The Examiner rejects claim 9 under Section 103(a), finding that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the vehicle floor of Kroll with a panel formed to at least partially define an integral tunnel, as taught by Volz et al." In arriving at this conclusion, the Examiner states that "Volz et al. . . . teach a floor panel formed to at least partially define an integral tunnel in Figure 2." Applicants submit that neither Volz et al's vehicle floor 4 nor floor part 8 of seat module 7 is formed to at least partially define the floor tunnel (i.e., the longitudinal member 2). As is apparent from Figure 2, the longitudinal member 2 is a separate component from the floor 4 and is not even partially defined by the floor 4. Additionally, the longitudinal member 2 is completely defined without the floor part 8, as is apparent from Figure 1. Thus Volz et al. do not "teach a floor panel formed to at least partially define an integral tunnel" as stated by the Examiner. Accordingly, it would not be obvious to one skilled in the art based on the teachings of Volz et al. to modify the floor of Kroll with a panel formed to at least partially define an integral tunnel, as required by claim 9. Thus, the rejection of claim 9 under Section 103(a) is believed to be improper.

In any event, regardless of the Section 103(a) rejections of claims 8 and 9, because these claims depend from amended claim 1, they are allowable for at least the same reasons that claim 1 is allowable.

Rejections under Section 103(a): Claim 12 over Kroll in view of Chernoff et al.

In rejecting claim 12, the Examiner admits that Kroll does not teach that his vehicle floor 468 is made of a plastic material. However, the Examiner states that Chernoff et al. "teach a floor panel comprised of a plastic material" and finds that it would have been obvious to

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one having ordinary skill in the art at the time the invention was made to make the vehicle floor of Kroll with a panel comprised of plastic material as taught by Chernoff et al.

Applicants submit that Chernoff et al. teach a floorpan "formed from a single aluminum alloy sheet" (col. 3, line 2) that is manufactured by quick plastic forming or super plastic forming (col. 4, lines 54-57). An aluminum alloy is not a "non-metal material" as recited in amended claim 12. Accordingly, the rejection of claim 12 is believed to be overcome.

Conclusion

With the amendments to claims 1-7, 11 and 12, and the arguments set forth above, claims 1 and 3-12 are believed to be in condition for allowance, which action is hereby respectfully requested.

Respectfully submitted,

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